

## **REMARKS**

Claims 1-57 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **Supplemental IDS**

A supplemental information disclosure statement was filed on January 13, 2004 in connection with the present application. A copy of this submission along with a return postcard evidencing receipt is enclosed for your convenience. If not already done so, please consider the references cited in this submission and forward acknowledge of the same to the Applicant.

### **REJECTION UNDER 35 U.S.C. § 101**

Claims 1-57 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

Applicant's invention is directed generally to an apparatus for processing trading orders. Of particular interest, pending claims recite a computer system that receives orders for different resources from different users. The computer system then calculates an array of coefficients each representing the proportion of a particular order that is to be satisfied. This claimed subject matter is analogous to the subject matter at issue in *State Street Bank & Trust v. Signature Financial Group* {cite}. In this case, the Federal Circuit held that the transformation of data by a machine through a series of mathematical calculations into a final share price constitutes a practical application of a mathematical

algorithm because it produces a useful, concrete and tangible result. Likewise, the optimized coefficients representing the portion of an order that is to be satisfied constitutes a practical application. It is not necessary that post-computer process activity be recited in the claims. Contrary to the Examiner's assertion, Applicant believes that pending claims are directed to statutory subject matter.

The Examiner's attention is also drawn to Claim 3 of the present application. This claim further recites that the processing means process an order based on the optimized coefficients for that order. For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of this rejection.

#### **REJECTION UNDER 35 U.S.C. § 112**

Claims 6, 24, 33, 52 and 55 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed. Claims 6, 33, 52 and 55 have been amended to provide proper antecedent basis for the current exchange rate, thereby overcoming this rejection. Therefore, Applicant respectfully requests reconsideration and withdrawal of this rejection.

#### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-4, 7-17, 19-21, 25, 27-31, 34-44, 46-49, 53 and 56-57 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,845,266 (Lupien). This rejection is respectfully traversed.

Lupien is directed generally to an automated crossing network (also known as a matching system) for trading instruments. The disclosed mechanism maximizes the total mutual satisfaction of a set of traders based on individual satisfaction density profiles. Traders are either buyers or sellers of one asset against another asset. Satisfaction profiles are represented as a data pairs, where the first datum is the number of units of a first asset is being bought by a buyer and the second datum is the price or number of units of the second asset being exchanged for one unit of the first asset. Thus, satisfaction profiles are matrices. The automated mechanism commences with a set of buyers and sellers defining and communicating a matrix to each other. The outcome is then a set of trades or transactions between a buyer of the second asset against the first and a seller of the second asset against the first. Thus, the overall teaching of this reference is based on a matrix whose elements represent the degree of satisfaction to trade an instrument.

In contrast, Applicant's invention is directed generally to an architecture suitable for a global matching system. Applicant's claimed invention defines a specific technical configuration of data structures and servers which are uniquely suited to a global matching system and is not suitable for a binary matching system or pool allocation system. Of particular interest, Claim 1 recites "an array of coefficients each representing the proportion of a particular order that is to be satisfied" in combination with other elements of the claim. The satisfaction density profiles are not analogous to this array of coefficients. Thus, Lupien fails to teach or suggest an array of coefficients as recited in the pending claims. It is noteworthy that a concurring conclusion was reached by the European Patent Office in an opposition proceeding of a counterpart

European patent. Therefore, we feel that the pending claims define patentable subject matter over the cited reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

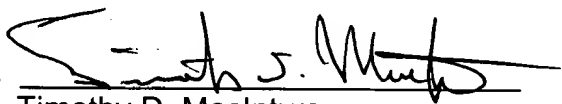
### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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